IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO.1062 OF 2007
IN
COMPANY PETITION NO.924 OF 2003

In the matter of Sections 433 and 434 of Companies Act, 1956;

And

In the matter of M/s.Farrel Anand Machinery Pvt.Ltd. Etc.

Mr.Jayantilal A. Shah, C.A. of
Smt.Devyani J. Shah .. Petitioner.

Mr.Deepesh Siroya i/b.M/s.Mahesh Shah & Co. for petitioner.

None for respondent.

CORAM : A.M.KHANWILKAR, J.
DATE : 3rd December, 2007.

P.C.:

1. In spite of service, none appears for the respondent company, though reply has been filed to counter the assertions made in this proceedings. This Court has already granted ad-interim relief in terms of prayer clause (c) on 5th October, 2007.

2. In my opinion, that relief if continued till the disposal of the Company Petition or till such time it is modified or recalled by the appropriate Court, that order will meet the ends of justice.

3. Accordingly, application is made absolute in terms of prayer clause (c) to operate till the disposal of the company petition.

4. In view of the above order, it is not necessary to pass any further direction including appointment of Provisional Liquidator as prayed. The petitioner-applicant, however, apprehends that the company may create third party rights in the subject property so as to render the present proceedings fate accomplish. As and when such occasion arises, it will be open to the applicant to take out necessary application asking for such reliefs as may be advised, including for appointment of Provisional Liquidator. That prayer will be considered on its own merits and in accordance with Law.

5. Application disposed off in the above terms.

(A.M.KHANWILKAR, J.)